

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

MARK ANTHONY STERLING,

Plaintiff,

v.

CAPE GIRARDEAU COUNTY  
SHERIFF'S OFFICE, et al.,

Defendants.

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No. 1:18-cv-257-NCC

**MEMORANDUM AND ORDER**

This matter is before the Court upon plaintiff Mark Anthony Sterling's "Motion to Withdraw 42 U.S.C. 1983." (Docket No. 13). Therein, plaintiff states he "wishes the Court to withdraw this existing case without prejudice." *Id.* The Court construes plaintiff's motion as a notice of voluntary dismissal filed pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and will order the dismissal of this case, without prejudice. This dismissal will not count as a "strike" under 28 U.S.C. § 1915(g).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion to Withdraw (Docket No. 13) is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED**, without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 21<sup>st</sup> day of February, 2019.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE